

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

F., by and through his parents, )  
MARY and TOM FASNACHT, )  
                                )  
                                )  
Plaintiff,                    )  
                                )  
vs.                            )      Case No. 4:08CV1576-DJS  
                                )  
                                )  
MISSOURI STATE BOARD OF )  
EDUCATION, et al.,            )  
                                )  
Defendants.                 )

JUDGMENT

Evidence of the terms of the settlement achieved between the parties in this case has been presented by testimony of Mary Fasnacht and Tom Fasnacht, guardians and next friends of plaintiff. Based on the testimony and evidence presented this day, the Court makes the following findings:

1. F., born on September 3, 1999, is a severely disabled minor. Mary Fasnacht and Tom Fasnacht have been appointed as next friends of F. The Court finds these next friends to have the necessary knowledge and ability to act under the circumstances presented by this lawsuit, and that no conflict of interest exists between them and the minor plaintiff.

2. F., through her next friends Mary Fasnacht and Tom Fasnacht, has entered into a settlement agreement with the remaining defendants in this action, which provides for the following:

(a) the payment of \$30,000.00;

(b) 540 hours of monitoring over the next year and a half of the Mapaville State School. The monitor shall be an individual with a minimum of a bachelor of arts or science degree from an accredited college or university, with a current teaching certification issued by the DESE; and no fewer than five years of full time employment post graduation as a certified educator within ten years of the date of the execution of this agreement. The monitor will be paid by DESE and will keep an observation log that will be available only to parents, the superintendent and the general counsel for DESE;

(c) Related services in the following amounts (at least until his annual review in November, 2011):

- o 90 minutes of occupational therapy
- o 90 minutes of physical therapy
- o 60 minutes of vision consultation
- o A yet to be determined number of minutes of speech therapy.

The Court finds the settlement reached by the parties to be fair and reasonable and to be in the best interest of the plaintiff. Pursuant to the Court's oral order granting plaintiff's motion for approval of minor settlement [Doc. #72] and Mo. Rev. Stat. § 507.184,

**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that the total monetary amount approved in this action is \$30,000.00.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that the Court apportions the sum of the total settlement as follows: \$30,000.00 to next friends Mary Fasnacht and Tom Fasnacht, on behalf of F., and their attorney's Thomas E. Kennedy, III, and Jonathan Beck.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that Mary Fasnacht and Tom Fasnacht shall collect and receive said settlement amount and is authorized to receipt therefor, and to stipulate for dismissal of this cause.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that from the settlement proceeds, Mary Fasnacht and Tom Fasnacht shall deduct and pay plaintiff's attorneys as contracted between them and plaintiff's attorneys.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that upon making the payments ordered herein, Mary Fasnacht and Tom Fasnacht shall file written receipts, accounting to the Court their compliance with this order.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that upon receipt of the settlement amount from defendants, Mary Fasnacht and Tom Fasnacht shall move to dismiss this action with prejudice.

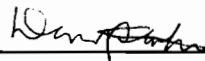
**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that, in exchange for plaintiff's dismissal, defendants agree to provide:

(a) 540 hours of monitoring of the Mapaville State School over the next year and a half. The monitor shall be an individual with a minimum of a bachelor of arts or science degree from an accredited college or university, with a current teaching certification issued by the Department of Elementary and Secondary Education; and no fewer than five years of full time employment post graduation as a certified educator within ten years of the date of the execution of this agreement. The monitor will be paid by DESE and will keep an observation log that will be available only to parents, the superintendant, and the general counsel for DESE; and

(b) related services in the following amounts (at least until plaintiff's annual review in November, 2011):

- o 90 minutes of occupational therapy
- o 90 minutes of physical therapy
- o 60 minutes of vision consultation
- o A yet to be determined number of minutes of speech therapy.

Dated this 19<sup>th</sup> day of August, 2010.

  
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UNITED STATES DISTRICT JUDGE